

WEATHER FORECAST
Tonight and Friday.
Probably Rain.

TONOPAH DAILY BONANZA

METAL QUOTATIONS	
SILVER	\$1.18 3/4
QUICKSILVER	\$1.02
COPPER	23 1/2
LEAD	\$6.25

TONOPAH, NEVADA, THURSDAY EVENING, OCTOBER 23, 1919.

PRICE 10 CENTS

I. W. W. INJUNCTION STANDS

Judge Averill Overrules Demurrer Filed By The Defendants

COAL MINE SHUT DOWN INEVITABLE

GOMPERS SENDS AN ULTIMATUM

HAND OF HUNS IN CONSPIRACY

FORCE ALONE HOLDS GERMANY

SEVENTEEN PERSONS INJURED IN WRECK

PITTSBURGH HONORS KING.

THE WEATHER	
Local observer United States	
Temperature:	5 a.m. noon
Current	41 53
Wind	31 42
Relative humidity	31 26
Temperature extremes:	
Maximum yesterday	61 62
Minimum yesterday	47 44

MINE WORKERS DENY REPORTS OF ANY TROUBLE

There will not be any recurrence of the strike in Tonopah or the divide district, according to a statement issued last night after a meeting of the Tonopah Miners and Millmen's union. The statement, which is signed by J. J. Byrne, president, and J. A. Landsburg, secretary, reads as follows:

"Reports are being circulated that the miners of the Tonopah and Divide districts are going on strike Saturday. To contradict this statement, at a meeting tonight a resolution was unanimously passed that no such action was taken or discussed and that this be given the local press for publication."

This action was supplemented by L. D. Townsend, president of the Tonopah trades assembly, who sanctioned the following announcement as the sentiment of his organization:

"The crafts unions of Tonopah since October 2 have not contemplated a strike at any time and have not discussed a strike and do not contemplate striking. All reports to the contrary are erroneous."

A discussion of the question arising from the circulation of reports to the effect that a strike was imminent in Tonopah brought out the fact that the miners and millmen that under the rules of their organizations nothing can be done in the way of calling a strike without giving employers two weeks' notice during which time the differences may be discussed. If at the expiration of that time no understanding is reached, the fact must be published in the daily papers two days before any strike is called.

INCENDIARIES CAUSE A RIOT

(By Associated Press.)
YOUNGSTOWN, Oct. 23.—One man was fatally wounded and another seriously injured when police broke up two alleged attempts at arson by striking workers. A group of striking workers and others were alleged to have set fire to the houses of several men who continued at work.

HEAVY RANSOM FOR AMERICAN

(By Associated Press.)
WASHINGTON, Oct. 23.—Urgent representations have been sent to the Mexican government by the state department as the result of the kidnapping of William Jenkins, American consul general at Puebla, Mexico, who is held by bandits for \$125,000 ransom.

WILSON IS IMPROVING SO PHYSICIANS STATE

(By Associated Press.)
WASHINGTON, Oct. 23.—President Wilson is making as satisfactory progress as possible, under the circumstances, his physicians said. No new symptoms developed last night.

DIVIDE CITY REMAINS ON MAP OF NEVADA

WASHINGTON, Oct. 23.—The post office department has authorized the change in name of the office from Siglo to that of Divide City. Postmaster Drew is being notified.

PRIVATE CAR WOLVERINE WILL NOT COME HERE

Harry Stimler received telegram this morning advising him that four members of the party of New York bankers due to arrive here this morning on the private car Wolverine, would come to Tonopah by auto, arriving this evening. The car with the remainder of the party is held at Loring, where the visitors own extensive mining property.

In an extended opinion handed down this morning in the district court Judge Mark R. Averill overruled the demurrer of defendants in the suit of the State of Nevada et al. plaintiff vs. George Kaiser et al. defendants. Fifteen days are allowed for an appeal. This is the famous I. W. W. case wherein a restraining order was issued by the court. In passing upon the demurrer the court takes occasion to discuss at length the relative rights of American citizens and un-naturalized foreigners in a manner that is likely to call forth the highest commendation of loyal citizens. The opinion is one of the most important emanating from a Nevada court and The Bonanza presents it in full with the exception of a few citations which would be of interest only to the local fraternity which has access to the opinion in full. In overruling the demurrer the court states specifically that the original restraining order with slight modification remains in force. The opinion follows:

Nine grounds of demurrer are offered for consideration. The first is general—that the complaint does not state facts sufficient to constitute a cause of action. One fault found with it is that it is too generally worded. It is composed of conclusions of the pleader, inferences, presumptions, opinions and conclusions of law. I have read it carefully several times. It is true that many of its allegations are of a general nature but it does, nevertheless, contain many averments of fact and is not objectionable as of too general a character. Taken as a whole its averments seem to be set out with as much particularity as the circumstances of the situation set forth will permit. Under the code rule that the allegations of pleadings shall be liberally construed, it is sufficient as a basis for an injunction and not objectionable on the other grounds of the demurrer. Certain of the defendants' points and authorities on general demurrer will be discussed later.

Attitude of Governor.

Five of the other eight grounds of demurrer question the right of the governor to have any connection with this suit claiming want of authority, defeat of parties plaintiff, ambiguity, uncertainty etc. The remaining three question the right of the state itself to maintain the suit.

As to defeat of parties plaintiff, the wording of the statute is in the plural—that there is a defect or misjoinder of parties, plaintiff or defendant. There being but one party plaintiff, the state, as shown clearly by the title of the cause and the first paragraph of the complaint, this objection does not apply.

It is evident from the complaint that this suit was brought by the attorney general at least as attorney for the state. The governor's connection with it seems to be two-fold, that he directed it be brought and that he acts as relator. No wording of the complaint actually states that the governor directed the suit to be brought, but that fact seems to be apparent; and if not, it is of little consequence, because the attorney general need not be directed, but may proceed upon his own opinion. We have both officials here and undoubtedly acting in harmony. It may be that the words in the caption "Sunset D. Boyle, Governor," are surplusage but they may also be treated as showing the association of the governor and attorney general in the suit, which simply means that the attorney general is acting under direction of the governor. In any event they do no harm.

The expression "on the relation of Sunset D. Boyle" means that he is the relator or informer, in the sense of one who relates or informs or tells. The state itself can speak only through some natural person who relates the facts to be presented for consideration. The general idea on this subject are then cited, verifying the complaint.

The complaint under consideration as verified by the governor. The above section contemplates actions brought by the attorney general, as in quo warranto proceedings, (though these also may be directed by the governor), and also other actions by the state. The "person acquainted with the facts" might well be "relator." Here we have the governor actually acquainted with the facts and who also swears to the complaint in which there is no inconsistency.

So far as this discussion has gone, the only drawn from our statutes and elsewhere is that the attorney general should institute suits for the state, that he may be relator himself, or may need no relator, or that some other person may be the relator, depending upon the character of the case.

Acts of Rebellion.

The character of this case at this point becomes important. The complaint alleges some very serious acts of conduct by the defendants aimed at the overthrow of the state itself as well as the subversion of the rights of its people. If we were dealing with acts of open rebellion, the state would exercise its powers, military and civil, under the direction of its executive head, the governor.

Belcher Ex. Uncovers Mammoth New Ledge

Belcher Extension has what appears to be one of the most wonderful showings ever uncovered at grass roots. On the strength of the discovery the stock advanced today to 43 cents in New York and 40 in San Francisco. In the latter exchange 48 was bid at the close. Orders in San Francisco called for the delivery of 60,000 shares.

The discovery was made 100 feet from the Belcher western end line in the wash where a clearly defined vein of highly silicified quartz comes through the wash for a width of twenty feet. This was sampled for a width of six feet in the presence of E. A. Julian, Andrew Wiley, Roy Hardy, L. R. Robins and Ed. J. Roberts. The lowest return was \$5 and the best \$78, which surprised the engineers, who had no idea the stuff would carry such values. While it is known that the ledge extends for a width of twenty feet, it is believed that it will reach a great many times more than that distance, but that remains for development as "reaching progresses." The company is not operating, but it is believed that within a few days a full crew will be placed on the Belcher Extension.

Eighteen samples, checked and rechecked, brought no material change in the findings and the opinion is expressed that the Belcher Ext. has the makings of one of the largest and highest grade orebodies in the district. On its strike the ledge has been traced for a distance of 500 feet due east and west, while surface indications lead to the opinion that the ledge will extend at least 1,000 feet.

On the western strike the ledge is broken directly through the center of the Thompson Private sampling of the ledge by parties who followed the engineers on their first visit, brought in returns of \$21 to \$41 with the result that one order was placed Wednesday for 12,000 shares, which was the first indication of the new find. The ledge is situated about 400 feet north of the Belcher. As soon as the company resumes active operations the first work will be to extend a crosscut to the south from the 325-foot level of the shaft on the Belcher line which would cut the new formation in about 150 feet.

RAILROAD MEN WANT A RAISE RIGHT AWAY

(By Associated Press.)
WASHINGTON, Oct. 23.—Indications are that railroad employees will insist on the granting of their demands for increased wages with time and a half for overtime, an eight-hour day and changes in working conditions before the railroads are turned back by the government to private control, were contained in the testimony of Timothy Shea, chief of the firemen's brotherhood before the railroad administration.

DENIKINE HAS REDS ON RUN

(By Associated Press.)
LONDON, Oct. 23.—General Denikine has again defeated the bolsheviks in the Volga region, having driven the soviet forces back near Kamyshin, according to a wireless message from Denikine headquarters. The soviet government, on the other hand, claims to have broken in the apex of the great wedge driven northward toward Moscow by the Denikine army.

LATIN COUNTRIES WELCOME GERMANS

(Correspondence of Associated Press.)
COLOGNE, Oct. 1.—The German Trade association for South and Central America announced recently that its special representative in Mexico reported conditions as being particularly favorable in view of the opportunities open to German trade. The Mexican agent reported that there was an urgent demand for those goods which were exported by Germany before the war and consequently a splendid opening.

TROOPS NOT USED FOR STRIKEBREAKERS

(By Associated Press.)
WASHINGTON, Oct. 23.—Director General Hines today denied published reports that he threatened to have troops sent to New York to take the place of express strikers.

REPUBLICANS WITHDRAW OBJECTIONS TO COONTZ

(By Associated Press.)
WASHINGTON, Oct. 23.—Republican members of the senate naval commission announced that their objection to confirmation of Admiral Coontz as chief of naval operations was withdrawn.

AERIAL AROUND WORLD DERBY IS PROPOSED

(By Associated Press.)
SEATTLE, Wash., Oct. 23.—Control stations for accommodations or entrants in the proposed aerial Derby around the world next year will be established in San Francisco, Seattle, Portland, Tacoma, San Diego, Los Angeles and Santa Barbara.

FLYERS WILL NOT RETURN.

(By Associated Press.)
SAN FRANCISCO, Oct. 23.—Twelve flyers who arrived from Mineola in the air race, announced they would not return.

A strike for higher wages inconveniences the public. But not as much as low wages inconveniences the workers.—Greenville, S. C. Piedmont.

After all, a statesman has a hard lot. It is easy enough to pick the right side, but so very difficult to pick the side that will hold the most votes.—Toledo News-Be.

(Continued on Page Three.)

HIGHER RATES FOR TRAFFIC

(By Associated Press.)
WASHINGTON, Oct. 23.—Immediate steps will be taken by the railroad companies to obtain an increase in freight rates, was announced after a lengthy conference between Director General Hines and representatives of the association of railway executives.

BROKERS GET AWAY WITH BANKERS AT BASEBALL

Before a packed house last evening at the Airdome the team representing the brokers, headed the bankers in a game of indoor baseball by a score of 15 to 12. The benches were filled with lusty rosters and the several fine plays were greeted with great applause.

After the game the floor was cleared for dancing. During the evening doughnuts and coffee were sold by Salvation Army ladies. A full report will appear in tomorrow's Bonanza.

MAKING CITIZENS IN NIGHT SCHOOLS

(By Associated Press.)
BAKERSFIELD, Oct. 23.—Announcement by the Kern county superior judges that they would accept of diploma from the local night schools as sufficient evidence of the voters' qualification for citizenship schools at Bakersfield and Taft high schools resulted in crowding the night schools. Classes in Americanization are filled and all told nearly 500 are attending the night classes.

BOOTLEG BOOZE SAID TO CAUSE HICCUGHS

(By Associated Press.)
SAN FRANCISCO, Oct. 23.—San Francisco newspapers have given place recently to a discussion among medical men here as to the cause of a local epidemic of hiccoughs.

Some physicians attributed it to too emphatic "kick" in substitutes for liquor and others said the paroxysms were caused by an "attenuated influenza germ."

FOOD FOR PETROGRAD.

(By Associated Press.)
PARIS, Oct. 23.—The American relief administration has sold foodstuffs sufficient to supply Petrograd for thirty days to the northwest Russian government.

GERMAN LABOR LEADER.

(By Associated Press.)
BERLIN, Oct. 23.—August Mueller, former food controller, probably will head the German delegation to the labor conference at Washington.

CALLS SPECIAL A. F. L. MEETING

(By Associated Press.)
PEORIA, Ill., Oct. 23.—Following withdrawal of the labor group from the industrial conference at Washington, the Illinois federation of labor today authorized sending a message to Samuel Gompers, president of the American Federation of Labor, urging the immediate call for a special convention of the American Federation of Labor in Washington.

GIVING BACK THE RAILROADS

(By Associated Press.)
WASHINGTON, Oct. 23.—A bill providing for return of the railroads to private ownership and operation under federal supervision was reported out today by the interstate commerce committee. The anti-strike and all other important provisions remain.

PLAGUE SHIP IN BLACK SEA

(Correspondence of Associated Press.)
BATUMI, Black Sea, Sept. 5.—Via Paris, Sept. 22.—The Russian warship Dnestr with seven hundred returning refugees on her open deck, is quarantined in this harbor on account of cholera among her passengers. There is not a physician aboard in an attempt to prevent an epidemic of disease, one of the passengers, Major Robert Davis, of Sanleandro, N. J., a member of the American Red Cross mission to the Sudan district, is selling a clinic open at all hours. Major Davis gives it as his opinion that physicians in civil life would work harder on their patients if they were cooped up with them on a "plague ship" could not get away until all had a clean bill of health.

GERMAN OFFICERS ARE OUT OF WORK

(Correspondence of Associated Press.)
COLOGNE, Oct. 1.—Reduction of the German army made necessary by the conditions of peace has caused great unrest among the regular officers with regard to their future. German army papers report that this feeling of uneasiness among the officers is only natural as on August 1, 1919, in spite of numerous reductions, there were still 20,000 Prussian and Württemberg regular officers in the army. This number must be reduced to 8,000.

BUTLER THEATRE TODAY

SHIRLEY MASON and THEODORE ROBERTS in "THE WINNING GIRL" A Comedy Drama, From the Saturday Evening Post Story. Also, Opening Battle for World Series Championship Between Reds and White Sox. The Sensational Fourth Inning, Showing Cicotte Knocked Out of the Box, in Pathe News.

TOMORROW "The Sweetest Girl in Motion Pictures"

MARGUERITE CLARK in "COME OUT OF THE KITCHEN"

MAY BRING ORDER OUT OF WRECK

(By Associated Press.)
WASHINGTON, Oct. 23.—Out of the wreck of the national industrial conference President Wilson today sought to build the machinery to bring industrial peace to the country. In a message to Chairman Lane, the president asked the public representatives in the conference to continue their work and make a report to him. It is the hope of the president that the public delegates can formulate a program acceptable to capital and labor. After announcing that he had received the president's message, Chairman Lane declared the national industrial conference, as originally constituted, adjourned immediately he called the members of the public group into session as a new conference.

CARRANZA HAS WINGS CLIPPED

(By Associated Press.)
WASHINGTON, Oct. 23.—The Mexican house of deputies has withdrawn the extraordinary powers granted President Carranza two years ago under which he decreed many laws, according to advices from Mexico City.

REFUGEES GO INTO DANTZIG

(Correspondence of Associated Press.)
DANTZIG, Sept. 10.—Hordes of refugees are streaming into Dantzig. Former German marine barracks, furnished by the American Red Cross, have been pressed into service to care for the refugees who are arriving from Copenhagen and even distant Murmansk. Seven thousand of these people are often in this city in their homeward journey. Forty-eight hours after arriving in camp by boat, they are on their way again, having been safely escorted through a community still sensitive and not overly friendly.

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